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13 February 1987
OCA 87-0565

MEMORANDUM FOR: Deputy Director for Administration
Associate Deputy General Counsel for
Administrative Law and Management Support

FROM: Legislation Division
Office of Congressional Affairs

STAT

SUBJECT: Commission on More Effective Government, S. 41

1. Attached for your review and comment is a copy of the above-captioned bill. The purpose of the Commission on More Effective Government is to review the organization and management of the executive branch of the Government and to make recommendations to improve its operation.

2. In fulfilling its obligations, the Commission will be authorized to secure from any officer or agency any information it deems necessary. Although the Commission will submit to the President and to Congress periodic reports regarding its activities, it need not submit any report, recommendation or other matter to any officer or agency for prior review.

3. No action on the bill appears to be imminent. I will apprise you of any change in its status, but would appreciate your comments in the meantime.

STAT



Attachment:
as stated

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found that almost 45 percent of all American public school systems provide tuition assistance to teachers seeking graduate credits and degrees. Enhancing our education system is a public benefit of the highest order.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 39

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Employee Educational Assistance Act of 1987".

SEC. 2. EXCLUSION FOR EDUCATIONAL ASSISTANCE PROGRAMS MADE PERMANENT.

(a) IN GENERAL.—Section 127 of the Internal Revenue Code of 1986 (relating to educational assistance programs) is amended by striking out subsection (d).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1986.●

By Mr. MOYNIHAN:

S. 40. A bill to amend section 1 of the Atomic Energy Act of 1954, as amended, to clarify that no nuclear plant should operate without assurance from the Federal Government's experts on emergency preparedness that the public health and safety can and will be protected; to the Committee on Environment and Public Works.

INTRODUCTION OF THE ATOMIC SAFETY ACT

● Mr. MOYNIHAN. Mr. President, I rise to offer something that we have not had, and that is much overdue: An Atomic Safety Act.

Congress enacted the Atomic Energy Act in 1954. It was a pioneering statute. It offered the revolutionary idea that there could be peaceful uses for the atom.

Mr. President, section 1 of that act is a declaration. It is not very long, but it says much about what we saw for the future of the atom some three decades ago, and I think it is important that we read it today:

Atomic energy is capable of application for peaceful as well as military purposes. It is therefore declared to be the policy of the United States that—

a. the development, use, and control of atomic energy shall be directed so as to make the maximum contribution to the general welfare, subject at all times to the paramount objective of making the maximum contribution to the common defense and security; and

b. the development, use, and control of atomic energy shall be directed so as to promote world peace, improve the general welfare, increase the standard of living, and strengthen free competition in private enterprise.

All noble aims, but what about safety? Safety, of its own, is not mentioned in the declaration of the Atomic Energy Act.

That, Mr. President, is why an Atomic Safety Act is so necessary. In the world of 1987, a world that has learned of Three Mile Island and

Chernobyl, nuclear safety must be the first thought, not an afterthought. As a priority, it must be second to none.

This bill goes beyond clarifying our intentions; it depends upon that clarity to change the way we assure that citizens who live near our nuclear power plants are safe. It gives that assurance its proper place and priority.

To our credit, we did not wait for Chernobyl to demand emergency planning for areas outside of our nuclear plants; Three Mile Island was enough. After that vastly more modest disaster, Congress determined that real, substantive emergency plans needed to be in place for nearby communities. Our emergency planning experts in the Federal Emergency Management Agency would test them to assure us that they would work, and the Nuclear Regulatory Commission would be guided by their findings.

But we left a tremendous loophole, big enough for a nuclear power plant. We left the Nuclear Regulatory Commission the discretion to approve some emergency plans regardless of whether FEMA reached a decision on whether they were adequate. This was a mistake, and we should undo it.

Perhaps the lofty language of the Atomic Energy Act misled us. And perhaps the more pragmatic language of the Atomic Safety Act will be better guidance.

There may be cases—in my State of New York, the Shoreham plant on Long Island is one—where State and local governments will not cooperate in planning for safe operation of a nuclear plant. This bill, the Atomic Safety Act, reminds us of what is most important: Our responsibility to assure that the public safety is protected. This case has brought confusion to what should be clear. Nothing is more important than the public health and welfare.

If the Federal experts on emergency planning can certify that a utility-produced emergency plan assures the public health and safety, so be it. But if they cannot tell, such a plant must not open. Period. No exceptions.

Mr. President, it is possible that there may be a future for nuclear fission in this country; it is possible, but I am far from sure. The economics of the enterprise seem rather bleak, and the political difficulties of choosing a suitable repository for the wastes most daunting. But if we cannot assure the public that the enterprise is being pursued responsibly—and that the necessary steps have been taken in every case to provide for their safety—then all the Atomic Energy Act's lofty prose will be for naught, and we shall have no nuclear power in this country.

I ask unanimous consent that the text of my bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 40

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Atomic Safety Act of 1987".

SEC. 2. (a) The Congress finds that further progress in the domestic nuclear programs of the United States will be difficult, at best, unless the Nation is assured of the safety of those programs.

(B) It is the intent of Congress that safety be an unsurpassed priority in matters pertaining to domestic nuclear power programs.

(C) It is the sense of the Congress that full and complete emergency planning is an essential element of the nuclear enterprise, and that no plant should operate without assurance from the Federal government's experts on emergency preparedness that the public health and safety can and will be protected.

SEC. 3. Subsection 1 (a) of the Atomic Energy Act of 1954, as amended, is amended by striking the word "objective" and inserting in lieu thereof "objectives of protecting the public health and safety and".

SEC. 4. Notwithstanding any other provision of law, the Nuclear Regulatory Commission may not issue a license for the operation of any utilization facility unless there is an off-site emergency plan for that facility in place for which the Federal Emergency Management Agency has issued a finding regarding whether said plan will provide assurance that the public health and safety can and will be protected in an emergency. Any such finding made by the Agency after January 1, 1987 shall be made on the basis of an evaluation under criteria at least as protective of the public health and safety as those in use by the Agency and the Commission as of January 1, 1987 for the evaluation of state emergency plans. Any license issued by the Nuclear Regulatory Commission that is not based upon a finding made by the Federal Emergency Management Agency in accordance with the terms of this subsection shall be revoked upon enactment of this Act.●

By Mr. ROTH:

S. 41. A bill to establish a Commission on More Effective Government, with the declared objective of improving the quality of government in the United States and of restoring public confidence in government at all levels; to the Committee on Governmental Affairs.

COMMISSION ON MORE EFFECTIVE GOVERNMENT

Mr. ROTH. Mr. President, today I am introducing legislation to create a Commission on More Effective Government. It will be the purpose of this Commission to carry out a searching review of the organization and management of the executive branch of the Federal Government. Based on this analysis, the Commission will issue recommendations designed to improve the operation of government today and to help us meet the demands placed upon our public institutions in the coming decades.

This proposal is modeled after the very constructive reform commissions headed by former President Hoover in the late 1940's and early 1950's. Because of the nature of its mandate, its bipartisan composition, and its emphasis on implementation of reform rec-

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ommendations, the Commission I am proposing today holds every promise of equaling the achievements of the two predecessor Hoover Commissions.

In the 32 years since the second Hoover Commission issued its final report, the Federal Government has grown enormously in the level of its expenditures, in the scope of its activities, and in the responsibilities it places on State and local governments and the private sector. With each incremental expansion of the Federal role, government has intruded further into the lives of our people and the operation of our private institutions.

Yet, while the Federal role has expanded during this period, the National Government's fiscal strength has deteriorated significantly, as we today face formidable annual deficits and a record-setting level of national debt. It is little wonder that citizen frustration with government is so high and confidence in the ability of government to perform adequately is so low.

These circumstances mandate a critical assessment of what new activities the Federal Government is capable of undertaking and an evaluation of how government can better carry out the duties that it currently performs. The Commission on More Effective Government, in a bipartisan, independent, and objective manner, will carry out this assignment. In its examination of the organization and management of the Federal executive branch, the Commission will not only identify long-needed improvements to be pursued but will help to create the awareness and desire for change that is crucial in overcoming the inertia and resistance that inevitably confront major reform.

Now, Mr. President, at some point before this legislation is enacted I know that someone will advance the argument that this idea duplicates the work of other commissions. The Grace Commission, for example, addressed some issues that fall within the mandate of the Commission on More Effective Government. I will anticipate this concern by saying now that the Commission I am proposing today possesses a far broader mandate than the Grace effort, which focused narrowly on cost-cutting in the Federal Government.

The elimination of needless expenditures in government is important and requires further attention. The Commission on More Effective Government should use the work product of the Grace Commission as a resource and build on this foundation for the implementation of reforms that receive bipartisan support.

Similarly, the Commission should review the fine work of the Ash Council of the early 1970's on matters of government organization and the comprehensive work of the U.S. Advisory Commission on Intergovernmental Relations for recommendations in the realm of Federal-State-local government relations. Over the years the

General Accounting Office has churned out libraries of reports chocked full of reform recommendations, many of which have been ignored or only partially put in place. It would be the task of the Commission I am proposing to review this data base, consider which recommendations are worthy of action either in Congress or in the executive branch, and launch them off on the path toward implementation.

While the Commission members should be free to set their own agenda once they meet and organize, several issues stand out as important candidates for their consideration. In addition to the general organizational and management issues I have mentioned, the Commission should consider the emergence of what has been called "third party governance" and assess what effect this development has had on our system. By third party governance I mean the proliferation of government corporations and other quasi-governmental bodies that perform an ever-increasing number of public functions.

These organizations often operate outside of established procedures for hiring, firing, and paying personnel, and are only loosely accountable for their actions to the elected officials who create them and ostensibly oversee them. Of equal importance is the fact that we possess no clear and agreed upon doctrine as to when the use of these organizations is appropriate. The Commission proposed by this legislation could make a substantial contribution by formulating criteria for the use of government corporations and guiding us toward a balance of flexibility and accountability in their operation.

Similarly, privatization is a much discussed but frequently misunderstood aspect of government service delivery. What is certain is that we have moved toward privatization of public functions in a major way. From 1970 to 1980 the size of the civilian executive branch work force decreased by 120,000 employees, as total Federal expenditures increased by 195 percent. In the same period expenditures for service contracts increased by 28 percent. This trend is further exemplified by the fact that the budgets of the Departments of Defense, Health and Human Services, and Education support four indirect workers for every person on the Federal payroll.

This process, however, like that of the use of government corporations, has developed willy-nilly with no clearly defined doctrine of when privatization is appropriate and when it is not, how to measure the quality of the goods and services thus received, and what the long-term costs are of this policy course. Here, too, the Commission on More Effective Government could do a great service to the Nation in developing a consensus theory of privatization in terms of when it

should be used for and how its product should be measured.

The explosion of technology in recent decades has created great new opportunities as well as new challenges and sensitive public issues for our society. A good candidate for Commission review is the development of information, communication, and related technologies and how they can best be used to improve public sector performance without jeopardizing concerns such as our citizens' right to privacy.

The range of important issues for the Commission to address is expansive. In addition to those I have detailed could be added the shift toward heavy reliance on the administrative law process, the role of the Federal judiciary, the activities and the relationships of the multitude of independent Federal regulatory agencies and the nature of our legislated budgetary procedures. Each of these issues merits analysis and comment by the Commission and should be considered for inclusion on the agenda.

While the breadth of this mandate might appear to be too great for a single group, the key to the success of the Commission on More Effective Government will be in its composition and its work methods. The Commission will consist of 18 citizens with substantial records of accomplishment in government or in private life. The Commission will be strictly bipartisan, with six members appointed by the President, six appointed by the leadership in the Senate, and six appointed by the leadership of the House of Representatives. This collegiality and bipartisanship will provide the foundation for consensus in the development of a reform agenda.

If the Commission follows the successful pattern of the earlier Hoover Commissions, it will rely on a small central staff and use task forces to examine the broad sweep of its subject areas. It will make great use of existing studies and writings—both public and private—to avoid duplication of effort. Public hearings will be used to ensure citizen participation, to focus attention on the work of the Commission, and to help build consensus support for its findings and recommendations. Coalition building must be one of the principle aims of the Commission from the outset in order to help ensure followthrough on the changes that it proposes.

As we begin the celebration of the 200th anniversary of the Constitution, I can think of no better way to strengthen the Government it undergirds than to create this review Commission and promptly let it begin its work. As one expert witness testified before the Committee on Governmental Affairs in 1981, in light of all of the changes that have occurred in government since the last comprehensive commission review, it is time to put down anchor and see where we are and

where we ought to be. The Commission on More Effective Government will help us make these assessments and take the action steps required to implement needed reforms.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 41

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DECLARATION OF POLICY

SECTION 1. It is the policy of the Congress to develop a blueprint for better government in the United States, to set in motion processes by which the Federal Government can more effectively and responsively serve the people for whom it was created and can more rationally meet its present and future challenges, both national and international, and to encourage and justify the full restoration of public confidence in government at all levels.

ESTABLISHMENT OF COMMISSION

SEC. 2. For the purpose of carrying out the policy set forth in section 1, there is hereby established a commission to be known as the Commission on More Effective Government (in this Act referred to as the "Commission").

IMPLEMENTATION OF POLICY BY COMMISSION

SEC. 3. (a) In carrying out the policy set forth in section 1, the Commission shall consider and study the management, operation, and organization of the executive branch and of the independent regulatory agencies of the Federal Government, including the relationships of such entities to each other, to the other branches of the Federal Government, to their State and local governmental counterparts, and to the private sector. Such study and consideration shall give particular attention to the extent to which such relationships and established patterns of action meet or fail to meet governmental responsibilities and are adequate to meet the challenges of the future. Where appropriate and necessary, the Commission's consideration and study shall include the extent to which the policies implemented by the executive branch and the independent regulatory agencies detract from or enhance governmental management, operation, and organization.

(b) On the basis of its considerations and study under subsection (a), the Commission shall make recommendations, including but not limited to specific proposals for changes in Federal Law, regulation and administrative practices, to promote economy, effectiveness, efficiency, and managerial and political accountability, and to improve services and management in the transaction of the public business. Such recommendations shall include, where appropriate, recommendations for altering the present distribution of functions and activities among the Federal agencies and among the Federal, State, and local governments.

(c) In carrying out its consideration and study under subsection (a), the Commission shall avail itself of relevant information and data gathered by such public and private organizations and individuals as it deems appropriate.

ORGANIZATION OF THE COMMISSION

SEC. 4. (a) The Commission shall be composed of eighteen members as follows:

(1) Six appointed by the President of the United States; a maximum of three from the

executive branch, and the balance, persons who are not Federal officials.

(2) Six appointed by the Speaker of the House of Representatives; a minimum of two and a maximum of three from the House of Representatives, and the balance, persons who are not current Members of the House of Representatives.

(3) Six appointed by the President pro tempore of the Senate, upon the recommendations of the majority and minority leaders of the Senate; a minimum of two and a maximum of three from the Senate, and the balance, persons who are not current Members of the Senate.

Members of the Commission shall to the maximum extent possible be chosen from among persons who have particular knowledge and expertise in the major areas of the Commission's consideration and study. Of the members appointed by the President, one shall have had experience in government at the State or local level; of the members who are not Federal officials appointed by the Speaker of the House of Representatives, one shall have had governmental experience at the local level; and of the members who are not Federal officials appointed by the President pro tempore of the Senate, one shall have had governmental experience at the State level. In considering individuals for membership, preference shall be given to persons with a broad knowledge and understanding of the working of the Federal system of the United States of America.

(b)(1) Of the members appointed by the President from persons who are not Federal officials under subsection (a)(1), three shall be from the major political party which is not the party of the President, and at least two shall be persons not engaged in partisan political activity.

(2) Of the members appointed from the House of Representatives under subsection (a)(2), one shall be from the political party which is the majority party in the House and one shall be from the political party which is the minority party in the House. At his discretion, the Speaker may appoint either a second incumbent Representative from the majority party in the House or a former Representative from that same party. Of the remaining three members appointed under such subsection, two shall be persons not engaged in partisan political activity. Of these three remaining members one shall be from the political party which is the minority party in the House. In appointing members under subsection (a)(2) who are from the political party which is the minority party in the House, the Speaker shall obtain the advice and consent of the minority leader of the House.

(3) Of the members appointed from the Senate under subsection (a)(3), one shall be from the political party which is the majority party in the Senate and one shall be from the political party which is the minority party in the Senate. At his discretion, the President pro tempore of the Senate may appoint either a second incumbent Senator from the majority party in the Senate or a former Senator from that same party. Of the remaining three members appointed under such subsection, two shall be persons not engaged in partisan political activity. One of these three remaining members shall be from the political party which is the minority party in the Senate.

(4) For the purposes of this Act, the term "persons not engaged in partisan political activity" shall mean persons who for at least six months prior to appointment as a member of the Commission, have not occupied or sought elected public office, or have not served as an official of a State or national political party.

(c) The President shall select a Chairman from among the Commission members who are not Federal officials at the time of appointment. The selection by the President of the Chairman shall be subject to the approval of a majority vote of the members of the Commission, conducted by secret ballot. The Commission shall elect from among its members a Vice Chairman from the major political party which is not the party of the Chairman. The Commission shall adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, its organizations, and its personnel.

(d) Ten members of the Commission shall constitute a quorum.

(e) Any vacancy in the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made. Any individual appointed to fill a vacancy in the Commission shall be of the same political party as his predecessor.

(f) An individual who is appointed to the Commission in the status of a Member of Congress or in the status of a person in the executive branch of the Government, and who thereafter ceases to have such status, shall nevertheless continue as a member of the Commission and shall (if he has returned to private life except for his membership on the Commission) be treated as an individual appointed from private life for purposes of compensation under section 5.

COMPENSATION OF COMMISSION MEMBERS

SEC. 5. (a) The members of the Commission who are Members of Congress or who are in the executive branch of the Government shall serve on the Commission without any compensation in addition to that received for their services as Members of Congress or in the executive branch. The members of the Commission from private life shall each be paid compensation at a rate equal to the rate of basic pay in effect for level IV of the Executive Schedule when engaged in the performance of the duties vested in the Commission.

(b) All members of the Commission shall be reimbursed for travel as authorized by section 5703 of title 5, United States Code, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

COMMISSION STAFF

SEC. 6. (a) The Commission shall have power to appoint, terminate, and fix the compensation of such personnel as it deems advisable to assist in the performance of its duties, without regard to the civil service laws and without regard to the provisions of title 5, United States Code (or of any other law) relating to the number, classification, or compensation of employees. The Commission may also procure, as authorized by section 3109 of title 5, United States Code, temporary and intermittent services to the same extent as is authorized by law for agencies in the executive branch but at rates not to exceed the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of the General Schedule. The Chairman and Vice Chairman shall select an executive director for the Commission contingent upon confirmation by the Commission members.

(b) Service of an individual as a member of the Commission (or of an advisory council or committee under section 7) or employment of an individual by the Commission as an attorney or expert in any business or professional field, on a part-time or full-time basis, with or without compensation, shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to

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conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States Service as a member of the Commission (or of such an advisory council or committee), or as an employee of the Commission, shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or comparable provisions of Federal law.

ADVISORY COUNCILS AND COMMITTEES

SEC. 7. The Commission may establish (without regard to the Federal Advisory Committee Act) such advisory councils and advisory committees as it may deem appropriate to provide specialized assistance in the performance of the duties vested in the Commission by this Act. Members of such advisory councils and committees, while attending meetings of such councils or committees or while otherwise serving at the request of the Commission away from their homes or regular places of business (unless otherwise eligible for travel and subsistence expenses under chapter 57 of title 5, United States Code), may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government serving without pay.

POWERS OF THE COMMISSION

SEC. 8. (a) The Commission or any member authorized by the Commission may, for the purpose of carrying out this Act, hold such hearings and sit and act at such times and places, take such testimony, have such printing and binding done, enter into such contracts and other arrangements (with or without consideration or bond, to such extent or in such amounts as are provided in appropriations Acts, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)), make such expenditures, and take such other actions as the Commission or such member may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before such member. The provisions of the Federal Advisory Committee Act shall not apply to the Commission established under this Act.

(b) The Commission is authorized to secure directly from any officer, department, agency, establishment, or instrumentality of the Government such information, suggestions, estimates, and statistics as the Commission may require for the purpose of this Act, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

(c) Upon request of the Commission, the head of any Federal agency is authorized to make any of the facilities and services of such agency available to the Commission or to detail any of the personnel of such agency to the Commission, on a reimbursable basis, to assist the Commission in carrying out its duties under this Act, unless the head of such agency determines that urgent, overriding reasons will not permit the agency to make such facilities, services or personnel available to the Commission and so notifies the Chairman in writing.

(d) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) No officer or agency of the United States shall require the Commission to

submit any report, recommendation, or other matter to any such officer or agency for approval, comment, or review before submitting such report, recommendation, or other matter to the Congress or to the President.

MEETINGS, PUBLIC INVOLVEMENT, REPORTS, EXPIRATION

SEC. 9. (a) The Commission shall first convene no later than six months after the date of enactment of this Act, and shall meet from time to time thereafter, as its members deem appropriate.

(b) Consistent with other provisions of this Act, the Commission shall structure its operations and activities to assure the appropriate and meaningful involvement of the public in its deliberations. In doing so, the Commission shall consider the desirability of holding public hearings, particularly in locations outside of the District of Columbia and of establishing toll-free telephone lines or other mechanisms whereby members of the public can readily contribute suggestions for Commission consideration.

(c) The Commission shall from time to time submit to the Congress and the President such reports as it may deem appropriate with respect to its activities under this Act. One year after the date of enactment of this Act, the Commission shall report to the Congress and the President on its agenda and its progress. Twenty-four months after the date of enactment of this Act, the Commission shall submit to the Congress and the President its final report with respect to such activities, including all of its findings and recommendations.

(d) Ninety days after the submission to the Congress and the President of its final report under subsection (c), the Commission shall cease to exist, except as provided under section 11(b).

PREPARATION FOR THE COMMISSION

SEC. 10. Upon enactment of this Act, the Comptroller General of the United States, the Director of the Congressional Research Service, the Director of the Congressional Budget Office, the Director of the Office of Technology Assessment, and the Chairman of the Advisory Commission on Intergovernmental Relations shall begin to prepare briefing papers for the Commission. Such briefing papers shall catalog and synthesize any recent reports, analyses, and recommendations of the respective organizations, and shall contain such other information deemed by the head of each such organization to be pertinent to the work of the Commission. The briefing papers shall be completed no later than four months after the date of enactment of this Act.

MONITORING AND FOLLOWUP ON COMMISSION RECOMMENDATIONS

SEC. 11. (a) For a period of four years after the Commission ceases to exist, the Comptroller General of the United States shall monitor the implementation of the recommendations of the Commission, and shall report periodically to the Congress and the President on the actions being taken to implement such recommendations.

(b) For a period of eighteen months after the Commission ceases to exist, a portion of the staff of the Commission shall continue to seek the consideration and implementation of the recommendations of the Commission. During such period, such staff shall be under the supervision of and shall report to the Director of the Office of Management and Budget.

(c) Upon submission of the Commission's final report to the President under section 9(c), the Director of the Office of Management and Budget, in coordination with the

executive agencies, shall take action to (1) formulate the views of the executive agencies on the recommendations of the Commission; (2) to the extent practicable within the limits of their authority and resources, carry out recommendations of the Commission in which they concur; and (3) propose legislation needed to carry out or to provide authority to carry out other recommendations of the Commission in which they concur. At least once every six months, the Director of the Office of Management and Budget shall report to the Congress and the President on the status of action taken or to be taken as provided herein. A final report on the final disposition of the recommendations shall be submitted within four years after the submission of the Commission's final report under section 9(c).

EXPENSES OF THE COMMISSION

SEC. 12. There are hereby authorized to be appropriated \$10,000,000 to carry out this Act.

By Mr. ROTH:

S. 42. A bill to amend title 5, United States Code, to establish an optional early retirement program for Federal Government employees, and for other purposes; to the Committee on Governmental Affairs.

EARLY RETIREMENT PROGRAM FOR FEDERAL EMPLOYEES

Mr. ROTH. Mr. President, today I rise to introduce a bill that gives about 400,000 Federal civilian employees the opportunity to voluntarily retire in 1987, thus saving the taxpayers several hundred million dollars.

This bill will enable many Federal Employees to retire almost immediately if they desire. A number of older Federal employees, although they now lack the age and service needed to retire under current law, are ready, willing, and able to retire as soon as they get a reasonable opportunity.

At the same time, this bill offers new opportunities to younger Federal employees—especially women and members of minority groups—who may be concerned about the shortage of minority groups—who may be concerned about the shortage of career opportunities in the Federal Government. By providing older workers with the opportunity to retire, younger employees may now look forward to brighter and more secure Federal careers.

Given the current period of budget uncertainty, the early retirement option provides a positive way to reduce the Federal payroll. It is no secret that during the next several years Federal outlays must be reduced sharply, or at least held in check. Private companies that need to cut costs commonly open up an early retirement window to give their employees a temporary option to retire.

In fact, the catalyst for the early retirement legislation is the example set by many private companies that have offered such plans in order to prevent layoffs, provide promotion opportunities, and job security for younger workers, and to cut costs in times of financial problems. Many corporations, including some of the largest in our